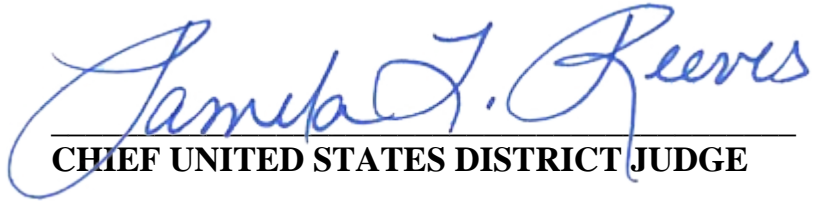


After a careful review of the record and the parties' pleadings, the court is in complete agreement with the Magistrate Judge's recommendation that plaintiff's motion for summary judgment be denied, and the Commissioner's motion for summary judgment be granted. The court also agrees that plaintiff waived his Appointments Clause argument by not raising it at some point during the SSA administrative process. Accordingly, the court **ACCEPTS IN WHOLE** the Report and Recommendation under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b). It is **ORDERED**, for the reasons stated in the Report and Recommendation, which the court adopts and incorporates into its ruling, that the

plaintiff's motion for summary judgment [R. 18] is **DENIED**; the Commissioner's motion for summary judgment [R. 22] is **GRANTED**; the Commissioner's decision in this case denying plaintiff's application for benefits under the Social Security Act is **AFFIRMED**; and this case is **DISMISSED**.

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**CHIEF UNITED STATES DISTRICT JUDGE**